

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

VICTOR GARCIA,

Plaintiff,

v.

CV No. 20-601 KWR/CG

ALBERT SENA, et al.,

Defendants.

ORDER VACATING SCHEDULE AND FOR A STATUS REPORT

THIS MATTER is before the Court upon the withdrawal of counsel for Plaintiff Victor Garcia. See (Doc. 75). Mr. Garcia, who is now proceeding *pro se* in this matter, is currently incarcerated. As such, the Court finds good cause to vacate the *Scheduling Order*, (Doc. 53). Further, given Mr. Garcia's continuing attempts to retain new counsel, see (Doc. 74 at 1), the Court will order Mr. Garcia to update the Court in writing regarding his efforts to retain counsel by no later than **December 21, 2021**. If Mr. Garcia is unable to retain counsel within this period of time, the Court will thereafter order discovery to continue by way of a *Martinez* Report provided by Defendants.¹

IT IS THEREFORE ORDERED that the Court's *Scheduling Order*, (Doc. 53), is **VACATED**.

IT IS FURTHER ORDERED that Plaintiff Victor Garcia shall update the Court in writing regarding his efforts to retain counsel by no later than **December 21, 2021**.

¹ Courts may order officials to investigate incidents underlying a prisoner's lawsuit and then to compile and file a report. *Martinez v. Aaron*, 570 F.2d 317 (10th Cir. 1978); see also *Robles v. Schultz*, 8-cv-438 JB/KBM, (Doc. 25) (ordering a *Martinez* Report for incidents occurring at the time of the prisoner's arrest rather than incidents occurring inside the prison). The purpose of the *Martinez* Report is to ascertain whether there are any factual or legal bases for the prisoner's claims. *Gee v. Estes*, 829 F.2d 1005, 1007 (10th Cir. 1987).

IT IS FINALLY ORDERED that the Clerk of the Court is **DIRECTED** to mail a copy of this Order to Plaintiff Victor Garcia.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', written over a horizontal line.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE